

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NEWELL L. deROCHE,

No. C-06-0865 MMC

Plaintiff,

**ORDER VACATING CONTINUED CASE
MANAGEMENT CONFERENCE**

v.

UNITED HEALTHCARE,

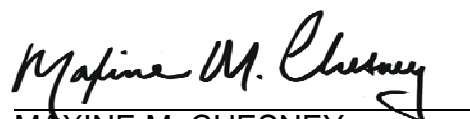
Defendant

On May 12, 2006, the Court scheduled a continued case management conference for August 11, 2006. Thereafter, on July 26, 2006, the Court granted defendant United Healthcare's motion for summary judgment on the ground that plaintiff Newell L. deRoche's claims, all based on common law breach of contract, are preempted by the Employee Retirement Income Security Act of 1974 ("ERISA"). The Court afforded plaintiff leave to file, no later than August 25, 2006, an amended complaint asserting an ERISA claim.

Under such circumstances, there is no need for a continued case management conference. Accordingly, the August 11, 2006 continued case management conference is hereby VACATED. The Court will reschedule the continued case management conference if plaintiff timely files an amended complaint.

IT IS SO ORDERED.

Dated: August 7, 2006


MAXINE M. CHESNEY
United States District Judge